

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

TOMMY McADAMS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:21-cv-00003-TBM-RPM

PAULA LADNER

DEFENDANT

**ORDER SETTING PRETRIAL CONFERENCE**

This matter is set in the Southern Division of this District for **JURY TRIAL** to begin **Monday, September 26, 2022, at 9:00 AM**, at the United States Courthouse, Courtroom 706, 2012 15<sup>th</sup> Street, Gulfport, Mississippi, United States District Judge Taylor B. McNeel presiding. **This is a date certain.**

**A PRETRIAL CONFERENCE** is ordered in this matter on **Thursday, September 1, 2022, at 1:30 PM**, before United States District Judge Taylor B. McNeel, United States Courthouse, Courtroom 706, 2012 15<sup>th</sup> Street, Gulfport, Mississippi.

**All counsel who will participate in the trial must attend the Pretrial Conference, unless excused by the Court.**

**I. PRETRIAL CONFERENCE**

In preparing for the Pretrial Conference, please refer to Local Rule 16(j) governing Pretrial Orders and the official form for all Pretrial Orders. **EXCEPTIONS** to the Rule are: (1) requirement of the Magistrate Judge's signature appearing on the Pretrial Order is waived; and (2) counsel for the parties are to prepare a joint Pretrial Order, approved by all parties through their attorneys, to be submitted to Judge McNeel **at least two (2) business days prior to the Pretrial Conference**. **The original shall be submitted to Judge McNeel at the Pretrial Conference.**

If settlement is to be discussed in jury cases, counsel are instructed to confer with their clients in advance of the Pretrial Conference and to have their clients, corporate representatives and/or adjusters present or available by telephone at the appointed time. For all jury trials, a memorandum (3 page maximum) setting forth a brief explanation of the case and a candid appraisal of the respective positions, including possible settlement figures, should be forwarded to Chambers via e-mail (mcneel\_chambers@mssd.uscourts.gov), to be received no later than **three (3) business days prior to the Pretrial Conference**. This document is not to be exchanged and will be viewed only by the Court. The memorandum will not become a part of the Court file and will be destroyed upon the exhaustion of settlement negotiations. **Do not submit settlement memoranda in non-jury cases.**

## II. JURY INSTRUCTIONS

Proposed jury instructions shall be submitted no later than **fourteen (14) days prior to the date of trial**. Proposed substantive jury instructions are to be submitted to the Court via email (mcneel\_chambers@mssd.uscourts.gov) in Word format. **Counsel must confer regarding substantive jury instructions prior to the Pretrial Conference and should submit as many jointly agreed upon proposed substantive instructions as possible.** Please refer to Local Rule 51 regarding jury instructions.

## III. DEPOSITIONS

Depositions to be introduced at trial, other than for rebuttal or impeachment purposes, shall be listed in the Pretrial Order, and shall be abridged and submitted to Judge McNeel at the Pretrial Conference, in accordance with Rule 16(j)(5)(A), (B) and (C). **(The Court will strictly adhere to this Rule.)** In the Pretrial Order, the offering party must designate by line and page the portions of each deposition it plans to offer or indicate that it is offering the entire deposition. The opposing party or parties must designate by line and page in the Pretrial Order any additional portions of the deposition to be offered and must identify distinctly any portions of the deposition previously designated by any other party to which objection is made. Finally, the offering party must thereafter identify distinctly in the Pretrial Order any portions of the deposition previously designated by any other party to which objection is made. **Objections not noted in the Pretrial Order are waived.**

The offering party must supply the Court with one color-coded, hard copy of the deposition transcripts at least **fourteen (14) days prior to the date of trial**. The color-coding must clearly indicate each party's designations and objections.

Video depositions shall be edited prior to trial as stated in Rule 16(j)(5)(D). Specific objections to portions of video depositions shall be noted in the Pretrial Order, and written transcripts of those portions to which there are objections will be considered by the Court at the Pretrial Conference. **Objections not noted in the Pretrial Order are waived.**

## IV. WITNESS LISTS

Proposed Witness Lists should be e-mailed to the Courtroom Deputy Clerk (mcneel\_chambers@mssd.uscourts.gov) in Word format, no later than **two (2) business days prior to the date of trial**, with a copy to opposing counsel.

## V. EXHIBIT LISTS AND EXHIBITS

**Exhibit Lists** – Exhibit Lists should be emailed to the Courtroom Deputy Clerk (mcneel\_chambers@mssd.uscourts.gov) in Word format, no later than **two (2) business days before trial**, with a copy to opposing counsel. The Courtroom Deputy Clerk will use the original

Exhibit List AFTER the trial to make a record of the documents. The Exhibit List **must** be in the format of **Attachment A**.

**Exhibit Conference** – The parties must coordinate with the Courtroom Deputy Clerk at the Pretrial Conference to schedule an exhibit conference to review the exhibits prior to trial and prior to any copies being made. The exhibit conference shall occur **no later than two (2) business days before trial**. If any corrections are necessary, parties will be responsible for making the appropriate corrections before resubmitting exhibits. Once approved, the parties are to provide the Courtroom Deputy Clerk with the originals and one copy of the exhibits.

**Marking Exhibits** – Pre-mark the front of the exhibits with a colored exhibit sticker **in the bottom center** of the exhibit. If doing so would cover important information on the exhibit, place the sticker in another location. This helps to identify the exhibits quickly during trial.

**Numbering Exhibits** – Label exhibits as P-1, P-2, etc. for plaintiff and D-1, D-2, etc. for defendant. Joint exhibits are to be numbered J-1, J-2, etc., and a SEPARATE Joint Exhibit List **must** be provided to the Courtroom Deputy Clerk, along with the standard copies.

**Submission of Exhibits** – Originals are to be placed in separate folders and labeled; copies for Judge McNeel are to be tabbed and placed in a 3-ring binder with an index. **Number each page in the bottom right corner for ease in referencing the page during trial**. A copy of the exhibits in electronic format should also be furnished to the Courtroom Deputy Clerk (mcneel\_chambers@mssd.uscourts.gov).

**Accounting for Exhibits** – The Courtroom Deputy Clerk must account for all numbers, whether used or not. If the plaintiff's list shows P-1, P-2, P-3, but the plaintiff does not use P-3, the Exhibit List must show P-3 as WITHDRAWN or NOT OFFERED. If, using the same example of numbers, the plaintiff discovers the defendant has the same document as P-1 listed on his exhibit list as D-5, then the Courtroom Deputy Clerk must indicate one or the other as admitted under the other number. An example of this is P-1 shows as admitted into evidence, but D-5 (same as P-1) would have the entry ADMITTED AS P-1. To avoid this issue, please do not duplicate exhibits. Instead, submit jointly agreed upon exhibits when possible.

## **VI. CONFLICTS**

Counsel are reminded that only conflicts listed in the Case Management Order will be honored during this trial calendar. Any subsequent conflicts not so listed will be considered when scheduling the exact dates of trial, but not necessarily honored.

Should a party or the attorney for said party fail to appear or to follow the directions set out herein, an *ex parte* hearing may be held and a judgment of dismissal or default or other appropriate judgment entered or sanctions imposed.

**VII. ADVISORY FOR LIMITING PERSONAL INFORMATION IN TRANSCRIPTS**

The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the Court. The policy requires limiting Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. However, if such information is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed at the courthouse unless, and until, it is redacted. The better practice is for trial lawyers to avoid introducing this information into the record in trial. Please take this restriction into account when questioning witnesses or making other statements in court. If a restricted item is mentioned in court, the attorney may ask to have it stricken from the record or partially redacted to conform to the privacy policy, or the Court may elect to do so on its own motion.

As part of the Fifth Circuit's Implementation of the Electronic Record on appeal, the Court will now scan and docket exhibits offered into evidence at trial **and** during other evidentiary hearings in civil and criminal cases in which a notice of appeal has been filed. Said exhibits will be available to the public, and it is the responsibility of the parties to redact according to the E-government Act of 2002 when presenting exhibits.

**SO ORDERED**, this the 24<sup>th</sup> day of August, 2022.

s/ *Taylor B. McNeel*

UNITED STATES DISTRICT JUDGE

## ATTACHMENT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

\_\_\_\_\_  
V. \_\_\_\_\_  
CIVIL CASE NO. \_\_\_\_\_  
\_\_\_\_\_  
DEFENDANT(S)

**PLAINTIFF'S EXHIBIT LIST**  
**(or DEFENDANT'S EXHIBIT LIST)**

NUMBER	DESCRIPTION	SPONSOR	ID	EVIDENCE
P-1 (or D-1)	Briefly describe each exhibit	Leave column blank - to be completed by Court when exhibits are entered	Leave column blank - to be completed by Court when exhibits are entered	Leave column blank - to be completed by Court when exhibits are entered
P-2 (or D-2)	Double space between exhibits			

**THIS INSTRUMENT IS AN EXAMPLE ONLY.  
DO NOT USE FOR YOUR EXHIBIT LIST.**